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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,252	01/07/2008	Curtis Clarke	044170-0340	1801
22428 7590 08/25/2009 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
TAWFIK, SAMEH				
ART UNIT		PAPER NUMBER		
3721				
MAIL DATE		DELIVERY MODE		
08/25/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/598,252

**Applicant(s)**

CLARKE ET AL.

**Examiner**

Sameh H. Tawfik

**Art Unit**

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I (claims 1-10) in the reply filed on 07/13/2009 is acknowledged. The traversal is on the ground(s) that the examiner has identified the species by listing only claim numbers, while species normally identified by figures. Further, some of the pointed out feature by the examiner as being lacked in species I, is been disclosed in claim 1. This is not found persuasive because applicants have admitted in the filed response that "certain drawings are clearly directed to different examples or embodiments of the disclosed folding apparatus", further, species could be identified by claims as well. Moreover, regardless to some similarity between species I-III, the detailed technical features as been identified in species II and III are different than the one identified in species I.

The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.

- (1) Field of the Invention.
- (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities:

the specification is missing headings, such as " BACKGROUND OF THE INVENTION", "BRIEF SUMMARY OF THE INVENTION", "DETAILED DESCRIPTION OF THE INVENTION"; etc.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the operation" in 11. There is insufficient antecedent basis for this limitation in the claim.

In claim 1, line 5; "gathering elements towards a center" is vague and indefinite as it is not clear "towards a center" in respect to what?; etc.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 rejected under 35 U.S.C. 102(b) as being anticipated by Nishijima et al.  
(U.S. Patent No. 6,505,855).

Nishijima discloses a method of folding an air bag comprising the steps of spreading out an empty air bag on a surface between first and second gathering elements (Figs. 2-5 and 7; via gathering elements/moving blocks 24); moving the first and second gathering elements toward a center and toward each other (Fig. 10); adapting the first and second gathering element so as to limit a first and second height of a first and second edge portions of the air bag proximate to the first and second gathering elements relative to the surface to less than a first and second threshold during at least a portion of the operation, see for example (Figs. 7, 10, 13, 15, and 17).

Regarding claims 2-4: at least one of the operations of adapting the first and second gathering elements comprises at least one of extending a first and a second slider from the first and second gathering elements, see for example (Figs. 6, 7, 10, 13, 15, and 17; via moving blades 26); the slider being positioned responsive to a controller (Fig. 6; via the movement of blades 26 must have been controlled by a controller and/or means for moving, which is equivalent to controller); the first and second sliders is responsive to at least one of a first and second positions

of the first and second gathering elements, see for example (Figs. 7, 10, 13, 15, and 17; via the slider blades 26 being positioned in respect to the gathering elements 24).

Regarding claim 5: holding a first and second edge of the air bag against first and second gathering elements, see for example (Figs. 7, 10, 13, 15, and 17; via edges of air bag been held against gathering elements 24).

Regarding claim 6: shaping a first and second face of the first and second gathering elements so as to urge the first and second edge portions of the air bag towards the surface responsive to the operation of moving the first and second gathering elements, see for example (Figs. 7, 10, 13, 15, and 17).

Regarding claim 7-9: moving third and fourth gathering elements towards a center and towards one another (Figs. 7, 10, 13, 15, and 17; via any other pairs of 24); first and second gathering elements are operative in a first direction and third and fourth gathering elements are operative in a second direction; wherein the first and second directions are substantially orthogonal with respect to one another (Figs. 7, 10, 13, 15, and 17); adapting the third and fourth gathering element so as to limit a height of a third and fourth edge portions of the air bag proximate to the third and fourth gathering elements relative to the surface to less than a third and fourth threshold during at least a portion of the operation, see for example (Figs. 7, 10, 13, 15, and 17).

Regarding claim 10: stowing the air bag in an air bag module after the air bag is gathered responsive to the operation of moving the first and second gathering elements, see for example (Fig. 1B).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sameh H. Tawfik/  
Primary Examiner, Art Unit 3721